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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,331	03/19/2001	Mehmet Kemal Ozkan	RCA 89400	4673

24498 7590 06/16/2006

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EXAMINER

TRAN, HAI V

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/622,331	Applicant(s) OZKAN ET AL.	
	Examiner Hai Tran	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Reopened Prosecution

In view of the Appeal brief filed on 03/24/2006, PROSECUTION IS HEREBY REOPENED. A new Office Action is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

GRANT CHRISTOPHER C.

KELLEY CHRISTOPHER S.


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al (US 6160545) in view of Program and System Information protocol for Terrestrial Broadcast and Cable (ATSC, Doc. A/65; December 23rd, 1997).

Claim 1, Eyer discloses an apparatus (Fig. 1 -3) for acquiring packetized program data from at least a first source, comprising:

a processor (not shown) for acquiring program guide information (IPG data) and for acquiring ancillary information conveyed in hierarchically ordered data tables in said packetized program data, said ancillary information including an initial master program guide with "block_version" is used to indicate change in programming has occurred during the valid lifetime of the current master program guide (Col.13, lines 35-42+) and a processor (170) for determining change and change the program guide as needed.

Eyer does not clearly disclose ancillary information including

(a) a first version identifier conveyed in a primary data table and updated in response to a version change in at least one of a plurality of secondary tables hierarchically linked to said primary data table, and

(b) a second version identifier conveyed in a secondary data table and updated in response to at least one of a version change in said secondary table and version change in a tertiary table hierarchically linked to said secondary table.

Program and System Information Protocol for Terrestrial Broadcast and Cable now called "ATSC A/65", discloses PSIP data structure (see Fig. 5.1; page 11) with

a collection of hierarchically arranged tables, i.e., STT, RTT, MGT (Master Guide Table) and VCT are carried in Transport Packets with Base PID. Several EIT-i are also part of the PSIP data structure with their PIDs explicitly defined in the MGT in which each EIT-i carries event information for 3hrs time slot, see Fig. 5.2, pages 12-13. "ATSC A/65" further discloses various fields' parameter definition, i.e., version_number, table_defined, etc... in the Bit stream syntax for Master Guide Table (MGT; page 16; table 6.2 pages 16-17) and Bit stream syntax for EIT (page 32, table 6.12; pages 31-33). "ATSC A/65" further discloses that MGT further provides version, size and PID's of all other tables (except STT table) see page 15, § 6.2. "ATSC A/65" further discloses an example to describe the use of

(a) a first version identifier (version_number) conveyed in a primary data table (MGT) and updated in response to a version change in at least one of a plurality of secondary tables (EIT-i) hierarchically linked to said primary data table (for example at T_1 , table EIT-2 needs to be updated then the updated table EIT-2 must be transmitted with a version_number equal to 3 because at time T_0 , EIT-2 had a version_number equal to 2. As such, the 1st version identifier (version_number) of the MGT is also updated to be equal to 3 in response to a version change of the updated EIT-2 at time T_1 , as indicated at page 17 and page 72-73.

(b) a second version identifier (version_number) conveyed in a secondary data table (EIT-i) and updated in response to at least one of a version change (version_number) in said secondary table (EIT-i) (reads on the decoder monitor the MGT detects a change in the version number of a table, i.e., EIT-2, it assumes that

the table EIT-2 has changed and needs to be reloaded, see page 72-73), and a version change in a tertiary table hierarchically linked to said secondary table (when the elapsed time of 3hrs between T0-T1 has passed; therefore, time T1 now become T0 in which EIT-0 becomes obsolete and by simply shifting the listed EIT-i , i.e., EIT-1 become EIT-0, EIT-2 become EIT-1, and of course version_number of EIT-0 is updated by version_number of EIT-1 and so on, see page 73).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Eyer with "ATSC A/65" so to take the advantage of the standard for coordinating and combining program guides from plurality of broadcasters (see "ATSC A/65", § D1-Introduction, page 70).

Claim 2, "ATSC A/65" further discloses wherein said primary data table (MGT) comprises a root database table for indicating version change in hierarchically ordered program guide data tables (see Fig. D.1, page 72 and Fig.D.2; page 74 and page 72-76).

Claim 3, "ATSC A/65" further discloses wherein said secondary data table (EIT-i) is used to indicate change in multimedia objects comprising objects associated with at least one of (a) broadcast channels, (b) broadcast programs, and (c) User interface controls (see Table D.2 and D.3 at page 75).

Claim 4, "ATSC A/65" further discloses, wherein said primary data table (MGT) is used to indicate change in at least one of (a) electronic program guide information tables and (b) MPEG compatible program specific information (see pages 82-84).

Claim 5, "ATSC A/65" further discloses, wherein said ancillary information is a two level hierarchical arrangement (see Fig. D.2, page 74) containing only primary table (master guide table) and secondary tables (EIT-i).

Claim 6, as discussed in claim 1, "ATSC A/65" further discloses acquiring program guide (MGT) comprising hierarchically ordered data table partitions (EIT-i) and including partitioning information, i.e., version_number, assigned PID, coverage (UTC), coverage (EDT) (see page 31 –33 and Table D.1, page 73), the partitioning information including,

partition identifiers assigned to individual partitions of said program guide data, i.e. table D.2 and D.3 of page 75; Fig. D.5 of page 80), wherein the program guide data partitions are dynamically re-partitionable by assignment of the partition identifiers in the partitioning information; and for identifying the re-assigned partition identifiers and for acquiring additional program guide data in response to the identified re-assigned partition identifiers (reads on shifting the listed EIT-i by re-assignment of partition identifiers in the partition information, i.e., EIT-1 become EIT-

0, EIT-2 become EIT-1, and of course version_number of EIT-0 is updated by version_number of EIT-1 and so on, see page 73)

Claim 7, "ATSC A/65" further discloses wherein said partition identifiers identify program guide data partitions (see page 30-33 and 79-80) based on at least one of, (a) an area, i.e., coverage (UTC) or ETM_location, (b) a broadcast time (start_time), complexity level, and (d) a partition type.

Claim 8, method claim is analyzed with respect to apparatus claims 1 and 6.

Claim 9, method claim is analyzed with respect to apparatus claim 2.

Claim 10, method claim is analyzed with respect to apparatus claim 3.

Claim 11, method claim is analyzed with respect to apparatus claim 4.

Claim 12, method claim is analyzed with respect to apparatus claim 5.

Claim 13, method claim is analyzed with respect to claim 6.

Claim 14, method claim is analyzed with respect to claims 3 and 10.

Claim 15, "ATSC A/65" further discloses wherein an object comprises at least one of a video segment, audio segment, text, an icon an HTML document, a menu selectable items, an image windows (see page 83).

Claim 16, method claim is analyzed with respect to claim 7.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht
06/08/2006


HAI TRAN
PRIMARY EXAMINER